

REMARKS

Applicants request reconsideration of the present application in light of the above claim amendments and the following remarks.

This response is substantively the same as the response filed on January 12, 2007, except that SEQ ID NOs 137-148 have been added to the claims and a new sequence listing is filed to include SEQ ID NOs 137-148, which have been added to the claims.

The Examiner has request addition of SEQ ID NOs to the "Brief Description of the Drawings," in relation to Figures 4 and 14. Applicants would point out that the specification already was revised to this end, by way of pages 4 and 5 of the amendment filed March 11th.

Drawings

The present application was filed with formal drawings. Acceptance of these drawings by checking the appropriate box in the Notice of Allowability or the Office Action Summary is respectfully requested in the next communication from the Examiner. **This is applicants' third request for acceptance of the drawings.**

Rejections Under 35 USC 101

Claims 32 and 33 are canceled, thereby rendering this rejection moot.

Rejections Under 35 USC 102

Claims 29, 30, 32-33, and 35-40 have been canceled, thereby mooting this rejection.

Rejections Under 35 USC 103

Takatsuji et al. (USP 6,215,043) discloses a protein (peptide) with 206 amino acid sequences. These 206 amino acid sequences include:

"Asp-Leu-Glu-Leu-Arg-Leu",

"Leu-Asp-Leu-Glu-Leu-Arg-Leu", and

"Asp-Leu-Asp-Leu-Glu-Leu-Arg-Leu".

Takatsuji et al. does not disclose or even implicate, however, any motivation or specific criteria for selecting these particular sequences.

The 206 amino acid sequences encompass a considerable number of partial amino acid sequences. Without any criteria for the purpose, the skilled artisan would have had no basis for choosing the amino acid sequences in question, “Asp-Leu-Glu-Leu-Arg-Leu”, “Leu-Asp-Leu-Glu-Leu-Arg-Leu” and “Asp-Leu-Asp-Leu-Glu-Leu-Arg-Leu.”

Further, Takatsuji et al. does not disclose or suggest “obtaining a transcription repressor.” The reference also is silent as to a rationale for fusing a specific peptide with a transcription factor.

Sato et al., *DNA Res.* 7: 131-35 (2000), teaches a protein (peptide) with 172 amino acid sequences. Among these are “Asp-Leu-Asp-Leu-Arg-Leu”, “Leu-Asp-Leu-Asp-Leu-Arg-Leu” and “Asp-Leu-Asp-Leu-Asp-Leu-Arg-Leu.” Again, Sato et al. provides nothing to suggest choosing these particular sequences, three among the considerable number of partial amino acid sequences encompassed by the disclosed group.

Without any specific criteria, a person of ordinary skill in the art to select the amino acid sequences would not have reasonably likely chance of selecting “Asp-Leu-Asp-Leu-Arg-Leu”, “Leu-Asp-Leu-Asp-Leu-Arg-Leu”, and “Asp-Leu-Asp-Leu-Asp-Leu-Arg-Leu.” Further, Sato et al. does not suggest “obtaining a transcription repressor.” The reference is silent as well concerning motivation for fusing a specific peptide with a transcription factor.

As described above, the present invention as claimed in claim 31 is based on the finding that fusing a peptide with a transcription factor produces a fusion protein that functions as a transcription repressor. This is not described, suggested, or motivated by the references. For the reason set forth above, the present invention is not obvious from the cited references.

Rejections Under 35 USC 112

New matter

Applicants have deleted the passage rejected by the Examiner, thereby obviating this rejection.

Representation of Peptides

Examiner has pointed out that the representation of the amino acid sequence “Z1-Asp-Leu-Z2-Leu-Arg-Leu-Z3 (SEQ ID NO: 125 wherein Z1 denotes Leu, Asp-Leu, or Leu-Asp-Leu; Z2 denotes Glu, Gln, or Asp; and Z3 denotes 0 to 10 amino acid residues)” is unclear.

The amino acid sequence has been specified by the amendment, thereby overcoming the rejection.

Use of “Several”

Applicants have deleted this term from the claims.

Claim 34

This claim now depends from claim 31.

CONCLUSION

Applicants submit the present application is now in condition for allowance. The Examiner is invited to call the undersigned attorney to advance the prosecution of this application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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